

REMARKS

The Claims

Claims 14-19 and 21-27 are pending in the present application.

Claims 1-13, 20 and 28 have been previously canceled for reasons unrelated to patentability.

No additional claim fee is believed to be due.

Rejection Under 35 U.S.C. §102(e) Over U.S. Patent Publication No. 2004/0157754 to Geary et al.

Claims 14-19 and 21-27 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 2004/0157754 to Geary et al. ("Geary"). The Office Action asserts that Geary teaches lauryl ether sulfate, sodium lauryl sulfate, polyquaternium-10 having a molecular weight of 2,000,000 and a charge density of 1.97 meq/g, sodium citrate, silicone nanoemulsion having a particle size of 37 nm, and water. The Office Action specifically points out that the most preferred number of ethoxy groups in the alkyl ether sulfates is 3. Therefore, the Office Action concludes that the Applicants' claimed invention is anticipated by Geary. Applicants traverse the present rejection based on the following comments.

Applicants' claims require, in addition to the aforementioned limitations cited by the Office Action, a sulfate level which is in the amount of 0.42 multiplied by the charge density of the cationic cellulose polymer plus from about 1.1 to about 3.6. Nothing in Geary teaches or suggests this limitation, nor does Geary teach or suggest a relationship between ethoxylation levels and sulfate levels for the purpose of optimizing the surfactant system.

Geary fails to teach each and every limitation of Applicants' claimed invention. Therefore, Claims 14-19 and 21-27 are novel over Geary.

Rejection Under 35 U.S.C. §103(a) Over U.S. Patent No. 6,524,563 to Wire et al.

Claims 14-19 and 21-27 are rejected under 35 U.S.C. §103(a) as being Obvious over U.S. Patent No. 6,524,563 to Wire et al. ("Wire"). The Office Action asserts that Wire teaches a hair treatment composition comprising lauryl ether sulfate, polyquaternium-10 having a charge density of 1.25 meq/g, sodium chloride, betaine, polydimethylsiloxane having a particle size of 35 nm, silica particles, and water. The Office Action therefore concludes that Applicants' claimed invention is rendered obvious over the compositions of Wire. Applicants traverse the present rejection based on the following comments.

Applicants' claims require an anionic surfactant system, having an ethoxylate level and a sulfate level wherein said ethoxylate is in the amount of 1.04 multiplied by the molecular weight of said cationic cellulose polymer divided by 1,000,000 plus from about 0.75 to about 3.25 and wherein said sulfate level is in the amount of 0.42 multiplied by the charge density of said cationic cellulose polymer plus from about 1.1 to about 3.6. Although Wire generally teaches ethoxylated surfactants, including compositions comprising only ethoxylated surfactants, Wire fails to teach or suggest any ratio or relationship between ethoxylate and sulfate levels. Wire does not teach or motivate one skilled in the art to optimize the surfactant system in any way so as to achieve desirable levels of coacervate formation. In fact, the examples of Wire do not provide the necessary information, i.e. active percent ethoxylated surfactant, to perform any such calculations.

Wire fails to teach or suggest each and every element of Applicants' claimed invention. Accordingly, Claims 14-19 and 21-27 are unobvious over Wire.

CONCLUSION

In light of the remarks presented herein, it is requested that the Examiner reconsider and withdraw the present rejections. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application and allowance of Claims 14-19 and 21-27.

Respectfully submitted,

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